

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97676730 - TOOLS FOR HUMANITY
Sent: September 26, 2023 08:26:14 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97676730

Mark: TOOLS FOR HUMANITY

Correspondence Address:

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Applicant: Tools For Humanity Corporation

Reference/Docket No. N/A

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FINAL OFFICE ACTION

Response deadline. File a request for reconsideration of this final Office action and/or a timely appeal to the Trademark Trial and Appeal Board (TTAB) within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links below to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response and/or an appeal. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response and/or appeal within six months of the “Issue date” to avoid abandonment of the application.

Issue date: September 26, 2023

INTRODUCTION

Applicant's response filed on September 14, 2023 has been reviewed. The assigned trademark

examining attorney is issuing a new nonfinal Office action because the response option to provide a detailed explanation that applicant had no fixed physical address in the previous Office action no longer satisfies the domicile address requirement. *Examination Procs. for Reviewing Domicile Addresses, Examination Guide 3-23*, at IV.B. (Aug. 2023); *see* 37 C.F.R. §2.189. See below for more information.

The following issue(s) raised in the previous September 14, 2023 Office action is/are maintained: Domicile address required.

Domicile address cannot be accepted. Applicant must provide its current domicile street address because the domicile address of record identifies a private mailbox (PMB), which is not an acceptable type of domicile address for a juristic applicant. That is, this address does not identify applicant's principal place of business. *See* 37 C.F.R. §§2.2(o)-(p), 2.11(b), 2.189; TMEP §601.01(b)(1). All applications must include an applicant's domicile address. *See* 37 C.F.R. §§2.32(a)(2), 2.189. In addition, all applicants domiciled outside the United States must be represented by a U.S.-licensed attorney. *See* 37 C.F.R. §§2.11(a), 2.32(a)(2); TMEP §§601, 803.05. See [Hiring a U.S.-licensed attorney](#) for more information. The USPTO uses applicant's domicile address to determine whether applicant is required to be represented by a U.S.-licensed attorney in this matter. *See* 37 C.F.R. §2.11(a); TMEP §601.01(a).

Although the applicant was instructed to file a petition to the Director to request a waiver of the domicile requirement, applicant provided a detailed explanation that applicant had no fixed physical address. However, the USPTO has determined that this explanation does not satisfy the legal requirement for an applicant to provide its domicile street address. *Examination Procs. for Reviewing Domicile Addresses, Examination Guide 3-23*, at IV.B. (Aug. 2023); *see* 37 C.F.R. §2.189. Accordingly, applicant's domicile street address is unacceptable.

Response option(s)

Applicant must provide an acceptable domicile street address; that is, the location of applicant's headquarters where its senior executives or officers ordinarily direct and control applicant's activities. *See* 37 C.F.R. §§2.2(o)-(p), 2.32(a)(2), 2.189; TMEP §803.05(a). If applicant provides a foreign domicile address, applicant must appoint a U.S.-licensed attorney qualified under 37 C.F.R. §11.14. *See* 37 C.F.R. §2.11(a)-(b); TMEP §601.01(a)-(b)(1).

If applicant cannot provide a domicile street address due to an extraordinary situation, applicant may file a [petition to the Director](#) to request the Director waive this requirement. *See* 37 C.F.R. §§2.146(a)(5), 2.148. The petition must include the required fee as well as (a) a verified statement of facts explaining the extraordinary situation, and (b) the state, or foreign equivalent, and country of applicant's domicile, to determine whether applicant must be represented by a U.S.-licensed attorney. *See* 37 C.F.R. §§2.11(a)-(b), 2.146(c)(1); TMEP §601. However, filing a petition is not considered a response to an Office action. *See* 37 C.F.R. §2.146(g); TMEP §§711, 1705.06. Applicant must still file a timely response to this Office action to avoid abandonment of the application. The response should indicate that a petition has been filed, specify the reason(s) for filing the petition (e.g., to request a waiver of the domicile address requirement), and request suspension of the application pending disposition of the petition. *See* TMEP §§716.02, 1705.06.

Instructions for responding

To provide applicant's domicile street address. After opening the correct Trademark Electronic

Application System (TEAS) response form and entering the serial number, (1) answer “yes” to question 5 and click “Continue;” (2) on the “Owner Information” page, in the “Domicile Address” fields, uncheck the box stating the domicile and mailing address are not the same; and (3) below the checkbox provide applicant’s domicile street address. The address provided in the “Domicile Address” fields will be hidden from public view. However, any street address listed in the “Mailing Address” fields will be publicly viewable.

To appoint a U.S.-licensed attorney, (1) use the TEAS [Change Address or Representation](#) form to appoint an attorney after they have been retained, or (2) applicant’s attorney can appear by responding on applicant’s behalf using the TEAS [Response to Examining Attorney Office Action](#) form, indicating that an appointment of attorney has been made, addressing all other refusals or requirements in the action, if any, and properly signing the response.

How to respond. File a [request form for reconsideration of this final Office action](#) that fully resolves all outstanding requirements and/or refusals and/or file a timely [appeal form to the Trademark Trial and Appeal Board](#) with the required fee(s). Alternatively, applicant may file a [request form for an extension of time to file a response](#) for a fee.

/rscb/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response, appeal, or extension request must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) and Electronic System for Trademark Trials and Appeals (ESTTA) [system availability](#) could affect an applicant’s ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on September 26, 2023 for
U.S. Trademark Application Serial No. 97676730

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS) or the Electronic System for Trademark Trials and Appeals (ESTTA), as appropriate. Your response and/or appeal must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.